



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

201-15619

JUL 15 2004

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

David C. Ailor, P.E.  
Director of Regulatory Affairs  
National Oilseed Processors Association  
1255 Twenty-Third Street, NW  
Washington, DC 20037-1174

Dear Mr. Ailor:

Thank you for your letter dated November 30, 1999, to the U.S. Environmental Protection Agency (EPA), regarding the High Production Volume (HPV) Challenge Program. I apologize for the lengthy delay in responding to your request.

Your letter requests that Fats and Glyceridic Oils, Vegetable, Deodorizer Distillates (CAS No. 68476-80-2) be removed from the HPV Program because it is not an HPV chemical. Your letter also:

- lists the various associations which process oilseeds, refine edible fats and oils, or produce vegetable oil and which have reported vegetable oil distillates production for the Inventory Update Rule (IUR);
- says that vegetable oil distillates is a byproduct, as defined in 40 CFR Part 710.2(h), of the vegetable oil refining process and that it is not produced with a separate commercial intent;
- says that there is only one TSCA-regulated commercial use for vegetable oil distillates; it is used as a source material from which other component substances, primarily Vitamin E are extracted, and which are exempted from IUR reporting per 40 CFR Part 710.30 and 720.30(g);
- says that some quantity of vegetable oil distillates is used as a component of animal feed, which is exempt under TSCA because it is defined as a "food" in the Federal Food, Drug and Cosmetic Act (FFDCA); and,
- attaches letters from Archer Daniels Midland (ADM), Cargill, Inc., and Henkel Corporation saying that their entire production of the substance is for the uses described above.

Since your letter states that some portion of Fats and Glyceridic Oils, Vegetable, Deodorizer Distillates (CAS No. 68476-80-2) are produced for uses regulated under the FDA, EPA recommends each company amend their IUR reports to reflect accurate production volumes for the non-FDA uses.

Your letter also requests EPA remove Fats and Glyceridic Oils, Vegetable, Deodorizer Distillates (CAS No. 68476-80-2) from the HPV Program Chemical List because it is a byproduct in the vegetable oil refining process and is not produced for commercial intent. If Fats and Glyceridic Oils, Vegetable, Deodorizer Distillates (CAS No. 68476-80-2) has been erroneously reported to the IUR, EPA encourages your member companies to re-evaluate their reporting under the IUR.

As you may know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its ChemRTK website at [www.epa.gov/chemrtk](http://www.epa.gov/chemrtk) in March, 1999. Based on EPA's review of all the pertinent IUR data from 1998 and 2002, EPA has determined that Fats and Glyceridic Oils, Vegetable, Deodorizer Distillates (CAS No. 68476-80-2) **does not meet** the "no longer HPV" criteria. This analysis may have included a review of IUR data submitted by companies other than those mentioned in your letter.

We will post your letter, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-4770. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via e-mail at [tsc hotline@epa.gov](mailto:tsc hotline@epa.gov).

Sincerely,

Wardner G. Penberthy  
Acting Director  
Chemical Control Division

cc: AR201